

REMARKS

In the Restriction Requirement dated April 11, 2007, the Examiner indicated that the application is allegedly directed to different inventions, and has required Applicant to elect one of the following inventions:

I: Claims 1-52 and 64-65, drawn to a method for crystallizing requiring irradiation, classified in class 438, subclass 487.

II: Claims 53-63, drawn to a system for processing a thin film under the control of a computer program, classified in class 118, subclass 715.

The Examiner alleges that the Inventions I and II are related as process and apparatus for its practice, and are distinct because the process can be performed by hand. Specifically, the Examiner gives the example of controlling the power to the irradiation beam being performed by a human operator by turning the irradiation beam on and off by hand. Applicant respectfully submits that the requirement is improper.

In an embodiment described in the specification, a sample rests on a sample translation stage, which can be controlled by a computing arrangement to translate the sample in at least the planar X and Y directions, so as to control the position of the sample with respect to the irradiation beam pulse. (Specification, page 10, lines 22-26). Both claim 22 (Invention I) and claim 53 (Invention II) recite, among other things “(a) controlling an irradiation beam generator to emit successive irradiation beam pulses at a predetermined repetition rate,” and “(d) after step (c), translating the film sample from the first location to a second location with respect to the irradiation beam pulses.” As further described in the specification, the repetition of the beam pulses and the translation of the sample should be precisely coordinated. (*Id.*, page 12, line 15 – page 13, line 7). The Examiner has not provided any support for his assertion that a human

operator (as opposed to a computer) acting to control the power to the irradiation beam could cause the generator to “emit successive irradiation beam pulses at [the] predetermined repetition rate” necessary for coordination with translation of the sample in accordance with claims 22 or 53.


Accordingly, Groups I and II are not distinct, and Applicant therefore respectfully submits that the restriction requirement should be withdrawn.

In order to completely reply to the requirement, Applicant hereby elects, with traverse, to prosecute Invention I, claims 1-52 and 64-65, drawn to a method for crystallizing requiring irradiation, classified in class 438, subclass 487. This election is made without prejudice to the prosecution of non-elected groups in other patent applications.

CONCLUSION

Applicant does not believe that any additional fee is required in connection with the submission of this document. However, should any fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,



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